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Honorable Thomas T. Glover  
Chapter 13

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

In Re:  
  
Thomas M. Rowe and  
Ellen Rowe,  
(555-58-5340)  
  
Debtors.

No. 03-26173-TTG  
  
**MOTION FOR EX PARTE  
ORDER DIRECTING  
APPEARANCE AND  
EXAMINATION PURSUANT  
TO BANKRUPTCY RULE  
2004 AND REQUIRING  
PRODUCTION OF  
DOCUMENTS**

PHILLIP NUDELMAN, M.D. ("NUDELMAN"), creditor of the above-named debtor, hereby moves, pursuant to Bankruptcy Rule 2004(a), for an Order authorizing a Rule 2004 examination of Thomas M. Rowe ("Debtor").

Based on the attached Declaration of David M. Tall, Nudelman also requests that the Debtor be required to produce the following documents in their possession or under their control at the time of hearing:

1           1.     DEFINITIONS:

2           a.     Relating To: The word "relating to" as used herein means  
3           pertinent, relevant or material to, evidencing, reflecting on, having a bearing on, or  
4           concerning, affecting, discussing, dealing with, considering or otherwise relating to in  
5           any manner whatsoever the subject matter referred to herein, and connected with  
6           property located in or transactions occurring in the USA or Canada.

7           b.     Documents: The word "document" as used herein relates to  
8           writings of every kind and character pertaining to the designated subject matter,  
9           including, without limitation, the original or any copy, regardless of origin or location,  
10          of any contract, agreement, letter interoffice or intra-office memorandum, diary, file,  
11          note, statement, bill, invoice, purchase order, policy, telegram, correspondence,  
12          summary receipt, schedule, manual, financial statement, audit, tax return, draft,  
13          articles of incorporation, by-laws, stock books, minute book, deed, security agreement,  
14          mortgage, deed of trust, title or other insurance policy, report, lease, rental agreement,  
15          record, study, hand-written note, map, drawing, working paper, chart, paper, draft,  
16          index page, microfilm, video tape, data sheet, data processing card, business forms,  
17          journals, ledgers or any other written, typed, printed, photocopied, dittoed,  
18          mimeographed, multilithed, recorded, transcribed, punched, taped, filmed,  
19          photographic or graphic matters, however produced or reproduced, to which you have  
20          or have had access, relating to the designated subject matter.  
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2       2.     DOCUMENTS REQUESTED:

3             Any and all papers and documents relating to:

4             a.       All assets in which you, your spouse, jointly or separately, alone  
5 or in conjunction with any other person or entity have a legal or security interest,  
6 regardless of whether such assets or property are real or personal, tangible or  
7 intangible.

8             b.       Contracts, agreements, notes (negotiable or non-negotiable),  
9 mortgages or other security agreements to which you, your spouse, jointly or  
10 separately, alone or in conjunction with any other person or firm are a party.

11            c.       All personal income tax returns for the past five (5) years and all  
12 income tax returns for any business interest either in or not in Debtor's or spouse's  
13 name including any sole proprietorship, partnership, or corporation.

14            d.       Copies of all financial statements delivered to anyone during the  
15 last five (5) years. (This is to include personal statements and financial statements of  
16 sole proprietorship, partnership, corporation or other business in which said Debtor or  
17 spouse has stock or an interest of any kind.)

18            e.       All statements of income, wages, salary, fees, bonuses or  
19 commissions earned by you or your spouse, including wage stubs and/or payroll slips  
20 and any and all other proofs of such income or other income as said Debtor or spouse  
21 may have earned for the last five (5) years.

1 f. Any and all bank books, including savings books and checking  
2 account records, in Debtor's or spouse's name or the name of any other member of  
3 said Debtor's family who is holding any monies on behalf of and for the above-named  
4 Debtor or spouse for the last five (5) years.

5 g. Copies of all records in Debtor's or spouse's possession or under  
6 his/her control or spouse's control, not specifically set forth above, which show  
7 ownership of, or interest in any real or personal property.

8 h. Any profit and loss statements and balance sheets reflecting  
9 condition of any sole proprietorship, partnership or corporation in which said Debtor or  
10 spouse has stock or interest of any kind.

11 i. All ledgers, journals, accounts receivable, accounts payable, and  
12 records reflecting assets, liabilities, payments made and payments received for any sole  
13 proprietorship, partnership or corporation in which said Debtor or spouse has stock or  
14 interest of any kind.


15 j. All contracts and all correspondence between Debtor and Ernest  
16 M. Dill and/or Investment and Estate Strategies, L.L.C.

17 Nudelman further requests that the Court order the Debtor to appear for  
18 examination at the law offices of Oseran Hahn Spring & Watts, P.S., 10900 Northeast  
19 Fourth St., Suite 850, Bellevue, Washington, 98004, on the **25<sup>th</sup> of March, 2004, at**  
20 **10:00 a.m.**, continuing as necessary until the examination is completed.  
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1 Debtor will be examined under oath in relation to acts, conduct or property of  
2 the Debtor, or to any matter which may affect the administration of the Debtor's estate,  
3 or right to discharge; and acts, conduct or property of the Debtor that relate to the  
4 liabilities and financial condition of the Debtor, the operation of the Debtor's business  
5 and the desirability of the continuance thereof, the source of any money or property  
6 acquired or to be acquired by the Debtor and any other matter relevant to the case.  
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8 DATED: February 6, 2004.

9 OSERAN, HAHN, SPRING & WATTS, P.S.

10 By   
11 DAVID M. TALL, WSBA #12849  
12 Of Attorneys for Phillip Nudelman, M.D.  
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